



**Computers, Privacy & Data Protection  
2015 Data Protection on the Move**  
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Concluding remarks

Ladies and gentlemen,

It's my privilege and pleasure to be closing the 8<sup>th</sup> CPDP Conference.

My esteemed predecessor as European Data Protection Supervisor, Peter Hustinx, was a fervent advocate of this event. Please be assured that I will maintain this advocacy.

Although I have not been able personally to attend as many sessions as I would have liked, I have been receiving regular and comprehensive intell from my network of informers on the ground – I will not call them *EDPS-bots*.

*Hashtag EUDaP* continues to trend vigorously.

There are now of course many conferences on privacy.

But it is the CPDP which remains the epicentre for creative ideas, sharp analysis and fierce debate on privacy and data protection.

CPDP is a great international, democratic coffee shop:

- where bright young scholars and campaigners can rub shoulders with battle-hardened regulators;

- where inquisitive techies can brush up against canny corporate lawyers.

This week you've been tackling the biggest issues in forensic detail:

- from location tracking to transatlantic dialogue,

- from copyright to competition.

Let me touch on just a few of these themes.

Last year's rulings from the Court of Justice have been the focus of many interesting discussions in several sessions:

- panellists have explained how the data retention ruling has given law enforcement and security authorities a clear set of criteria which they must respect when they derogate from the fundamental rights of privacy and data protection.

- the ruling in the Google Spain case clarified the territorial scope of application of EU data protection law in respect of search engines. There is a growing expectation that the right to be forgotten should apply to .com domains as well.

The Conference has assessed the damage to trust after Snowden, and its impact on individuals and industry. Eighteen months since the first revelations, there has been much talk, but little action.

We learnt about the many engineering initiatives for enhancing data protection and privacy, including IPEN. Clearly there are many opportunities for fruitful cooperation on the technological challenges for privacy.

Finally, there have been many exchanges of views on the international dimension of data protection.

With transatlantic dialogue, we have looked at ways of improving how we engage and seek greater convergence. Some panellists have suggested adding to EU/US trade negotiations a permanent negotiation platform on privacy and data protection.

Efforts should also be continued in developing global privacy rules.

Overall, many rich discussions, a lot of substance.

So congratulations to Paul de Hert and his remarkable team of organisers, and to all of you on a superb conference.

Few words more on the general context before approaching other conclusive remarks in terms of vision.

Two weeks ago Europe marched the streets of Paris in solidarity for our fundamental rights and freedoms.

There is no better time than now to remember that we cannot have security without privacy;

that excessive surveillance has the effect of *chilling, rather than preserving*, our freedoms.

This is truly an historic moment for data protection.

The way that we respond now to rapid change and challenges, including threats to security, will have ramifications not just for us, but also for the next generation which is growing up online today.

I mean the changes and challenges of:

- how people communicate, consume and contribute to political life,
- how businesses set themselves up to make profits,
- how governments interpret their duty to protect,
- and how engineers design and develop technologies.

The scale of data processing today -made possible through cloud computing, big data analytics and electronic mass surveillance techniques- is unprecedented.

Europe needs to be at the forefront in shaping a global, digital standard for privacy and data protection.

A standard which is centred on the rights of the individual.

Allow me to say what my goal is as the new European Data Protection Supervisor and to sketch out what my institution will do to address the big issues which you have been discussing this week.

My goal is for the European Union to speak with one voice on data protection.

A voice which is credible, informed and relevant.

I want the EU to lead by example as a *beacon of respect* for digital rights.

My colleague Wojciech Wiewiórowski and I are clear about our priority over the next five years.

We will seek to *enforce* and to *reinforce* EU privacy and data protection standards, both in practice and in law.

EU institutions must be beyond reproach:

- in how they handle personal information,
- and in how they devise policies and laws which involve handling personal information.

And we will *actively promote* a culture of data protection in the EU through equipping policymakers with toolkits for developing innovative legal and technical solutions.

With the EDPS's *uniquely EU perspective*, we will facilitate greater co-operation on issues that go across borders.

*Exemplary leadership* and *active partnership* will be our watchwords.

In a few weeks I will present a Strategic Plan on what we will do to help turn this vision into reality.

I would only, at this stage, highlight three particular areas where we intend to focus our energies and expertise in the next few years.

First of all, data protection reform.

A clear, modern, future-oriented set of rules remains key to solving Europe's digital challenge.

The EU has had over three years to talk about this.

But society and technology will not wait for Europe to *get its act together*.

The ongoing legal uncertainty is damaging for citizens and businesses.

That is why on Monday I will be urging the Council to speed up the process.

We will be more active in seeking workable solutions that avoid red tape, that are flexible for technological innovation and cross-border data flows.

So that we have a clear set of criteria which law enforcement and national security must respect when they derogate from the fundamental rights.

I make no promises on specifics. But be prepared to be surprised.

Secondly, data protection must *go digital*.

There is no doubt that technology brings many social benefits.

But no technology is neutral. And no technology should be allowed to dictate society's ethical considerations.

*Feasible does not mean morally tenable.*

So big data entails big accountability.

And real accountability *is not mere compliance with the letter of the law.*

We need a new deal on data protection.

A new deal on transparency - not hiding behind opaque or misleading 'privacy policies':

- transparency about who is responsible for collecting and using personal information,
- transparency about why they are doing it,
- about how long they will keep it,
- and with whom they intend to share the information.

*Big data protection* should give individuals up-to-date, *meaningful*, rights to access and to information about data processing:

A right know about algorithms which create correlations and assumptions about them; about how your combined personal information turns into predictions about your behaviour.

Because such assumptions can easily lead to unfair discrimination which the data subject can be powerless to contest.

19<sup>th</sup> century policymakers ignored the environmental consequences of widespread industrialisation.

In the headlong rush for *digital* innovation, we must not repeat such errors at the expense of our fundamental rights to dignity and to privacy.

We want, therefore, a better informed, Europe-wide conversation on what big data and the internet of things will mean for our digital rights.

But, of course, these are global concerns, not merely European issues.

And so, thirdly, I would like us to build new global partnerships to clear common ground on principles.

Principles which inform not only binding laws but also the design of business operations and technologies.

Data protection laws are national, but the data are not.

I want to invest in better dialogue with regulators, industry and civil society to explore how to make international cooperation, particularly transatlantic agreements, fairer and more balanced in practice.

You may well ask yourselves what will be different during our new mandate.

Well, you should expect to see data protection mainstreamed across the broadest sweep of EU policies.

Data protection as a top *policy* priority and a top *political* priority.

So that we identify solutions for security and privacy guaranteeing that individuals are treated with dignity and respect, not as objects of mass surveillance and suspicion. That, for me, and as we have heard at this conference, is the biggest lesson from last year's judgement from the European Court of Justice on data retention.

You should expect us to foster an ethical dimension to data protection, through dialogue between experts in the field of human rights and technology.

And you should expect much greater co-operation at national and international level on the biggest challenges, including terrorism, surveillance, the economy and new technologies.

Ladies and gentlemen,

The EU is at its best when it leads by example: when citizens and our international partners can see that our actions are *consistent* with what we *profess* to be our values.

From what I have seen this week at CPDP, I am more convinced than ever that Europe can show that leadership on the biggest questions concerning the rights of the individual.

You can count on the newly-appointed EDPS and assistant EDPS to provide expert and passionate commitment to this cause.

So let's get to work.

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